

Item 5: Tentative Order R9-2002-0342,
General Waste Discharge Requirements for
the Disposal and/or Reuse of Petroleum
Fuel Contaminated Soils (FCS) in
the San Diego Region

December 11, 2002

ATTACHMENT NO. 7

CEQA COMPLIANCE:

**AGENDA PACKAGE FOR ADOPTION OF ADDENDUM
NO. 2 TO RESOLUTION NO. 83-21**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 2 TO
RESOLUTION NO. 83-21

AN ADDENDUM CONDITIONALLY WAIVING ADOPTION OF
WASTE DISCHARGE REQUIREMENTS
FOR DISPOSAL/REUSE OPTIONS FOR SPECIFIED SOILS

WHEREAS, Section 13260(a) of the California Water Code requires that any person discharging waste or proposing to discharge waste within the Region, other than to a community sewer system, that could affect the quality of the waters of the State, shall file a report of waste discharge; and

WHEREAS, Section 13263(a) of the California Water Code requires that California Regional Water Quality Control Boards prescribe requirements as to the nature of existing and proposed discharges in their respective areas of jurisdiction; and

WHEREAS, Section 13269 of the California Water Code authorizes Regional Boards to waive adoption of waste discharge requirements for a specific discharge or a specific type of discharge where such a waiver is not against the public interest; and

WHEREAS, Section 13269 of the California Water Code stipulates that any waiver from filing a report of waste discharge and/or prescribing waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board; and

WHEREAS, California Code of Regulations, Title 23, Division 3, Chapter 15 commencing with Section 2510 contain requirements governing discharges of waste to land; and

WHEREAS, a waiver of adoption of waste discharge requirements, where such a waiver is not against the public interest, would enable Regional Board staff resources to be used more effectively; and

WHEREAS, a waiver of adoption of waste discharge requirements for the disposal and reuse of specified soils would not be against the public interest because this discharge would comply with the conditions of the waiver, would be effectively regulated by other public agencies, and would result in compliance with the Comprehensive Water Quality Control Plan, San Diego Basin; and

WHEREAS, waiver of waste discharge requirements is conditional, may be terminated for any type of discharge at any time, does not permit an illegal discharge, and does not preclude the need for permits which may be required by other local or governmental agencies, and does not preclude the Regional Board from administering enforcement remedies, pursuant to Section 13304 or 13350 of the California Water Code; and

WHEREAS, Regional Board staff receives numerous requests for disposal or reuse of soils which contain low level concentrations of pollutants resulting from above ground treatment of contaminated soils in the San Diego Region; and

WHEREAS, above ground treatment of these soils has been demonstrated to be a feasible and economical means of mitigating the effects of contamination; and

WHEREAS, the Regional Board has determined it necessary to develop regionwide disposal and reuse criteria that encourages alternative methods to disposal of soil to Class III landfills. This would increase the life of operating landfills in the San Diego Region; and

WHEREAS, the Regional Board encourages soil treatment to reduce potential threats to water quality; and

WHEREAS, the Regional Board staff has prepared a Negative Declaration for conditional waiver of waste discharge requirements for the following types of discharges: (1) temporary discharge of contaminated soil for either remediation or dewatering of dredge spoils (2) disposal and reuse of contaminated soils and (3) green waste composting facilities, in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State guidelines, and the Regional Board determines there will be no significant adverse water quality impacts; and

WHEREAS, on July 18, 1983 this Regional Board adopted Resolution No. 83-21 conditionally waiving adoption of waste discharge requirements for certain categories of specific types of discharges; and

WHEREAS, the Regional Board held a public hearing on September 20, 1993 in Rancho California and considered all evidence and public comments concerning this matter.

THEREFORE, BE IT RESOLVED, that pursuant to California Water Code Section 13269, the Regional Board waives waste discharge requirements for the following types of discharges described on the attachment to this addendum, except for those discharges for which waste discharge requirements have been previously adopted; and further provided that the discharges shall comply with the conditions set forth in this addendum, Comprehensive Water Quality Control Plan, San Diego Basin and applicable regulations of other public agencies; and

BE IT FURTHER RESOLVED, that the Regional Board adopts the Negative Declaration and directs the Executive Officer to file all appropriate notices; and

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BE IT FURTHER RESOLVED, that where staff of this Regional Board considers adoption of waste discharge requirements for a specific discharge of a type identified herein to be in the public interest, staff will draft tentative waste discharge requirements for that discharge for consideration by this Regional Board.

WAIVER CONDITIONS FOR DISPOSAL/REUSE OF SOIL

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TENTATIVE

All Discharges To Land

CONDITIONS

1. The discharger files a report of waste discharge which provides the technical information necessary to demonstrate that the residual concentrations of constituents of concern meet the criteria set forth herein. There is a one-time filing fee of \$300.00 (nonrefundable) that must accompany the report of waste discharge. Additional fees may be required if the application does not meet the conditions set forth in the waiver, or if the Regional Board determines that Waste Discharge Requirements are required.
2. This waiver specifically does not apply to hazardous waste, as defined in Section 66261.3, Division 4.5, Title 22 of the California Code of Regulations, or as amended.
3. The discharger must file a certification report when disposal is completed.
4. The discharger must meet the additional conditions outlined under the exact type of discharge proposed.
5. All sampling and laboratory results must be in compliance with EPA Publication "SW-846."
6. Some maximum concentration limits are based on Waste Extraction Test (WET) methodology, using both acidic and water solutes. To meet these limits the discharger must follow the procedures defined in Section 66261.3, Division 4.5, Title 22 of the California Code of Regulations, or as amended.
7. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the maximum concentration limits listed under the type of discharge proposed for the soil.

MAXIMUM CONCENTRATION LIMITS (definition of terms)

Total Petroleum Hydrocarbons

Soil concentrations of petroleum hydrocarbons shall be based on dry-weight total concentrations.

Limit means a value not to be exceeded that represents past and current practices for the evaluation of disposal/reuse of petroleum hydrocarbon contaminated soils.

BTEXs

Soil concentrations of BTEXs are dry-weight total concentrations.

Solute concentrations of BTEXs are concentrations of the constituents of concern in the solute listed.

Solute means the solute that the constituent is extracted with (Acidic, Water).

Limit means a value not to be exceeded that represents an "Objective" multiplied by some attenuation factor.

Metals

Solute concentrations of metals are concentrations of the constituents of concern in the solute listed.

Solute means the solute that the constituent is extracted with (Acidic, Water).

Limit means a value not to be exceeded that represents an "Objective."

Other Organics

Solute concentrations of PCBs and TBT are concentrations of the constituents of concern in the solute listed.

Solute means the solute that the constituent is extracted with (Acidic, Water).

Limit means a value not to be exceeded that represents an "Objective."

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Disposal at Class III Landfill

CONDITIONS

1. All conditions under All Discharges to Land title must be met.
2. Landfill must be operating in compliance with waste discharge requirements.
3. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the following maximum concentration limits:

MAXIMUM CONCENTRATION LIMITS

Total Petroleum Hydrocarbons (soil concentrations not to exceed:)		<u>Limit</u>
TPH (gasoline)		100 mg/kg
TPH (diesel)		2000 mg/kg
BTEXs (soil concentrations not to exceed:)		<u>Limit (Objective¹ x 100)</u>
Benzene		0.1 mg/kg
Toluene		100 mg/kg
Ethylbenzene		68 mg/kg
Total Xylenes		175.0 mg/kg
Metals (Acidic solute concentrations not to exceed:)		<u>Limit (Objective²)</u>
Chromium (VI)		5000 ug/l
Copper		25000 ug/l
Lead		5000 ug/l
Mercury		200 ug/l
Silver		5000 ug/l
Zinc		250000 ug/l
Other Organics (Acidic solute concentrations not to exceed:)		<u>Limit (Objective²)</u>
PCBs		5000 ug/l

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Industrial/Commercial Reuse/Fill near Groundwater

CONDITIONS

1. All conditions under All Discharges to Land title must be met.
2. Soil shall be covered by either; 1.) **constructed** materials (e.g. used as roadbase, fill beneath buildings, bridge abutments), or 2.) **clean** fill (not not to exceed 2 feet thick), to minimize surface water infiltration, preclude exposure by erosion, and control leaching effects.
3. Soil shall be placed a minimum of 100 feet away from from any surface water.
4. Soil shall be placed a minimum of 10 feet above the highest anticipated elevation of ground water.
5. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the following maximum concentration limits:

MAXIMUM CONCENTRATION LIMITS

Total Petroleum Hydrocarbons (soil concentrations not to exceed:)	<u>Limit</u>
TPH (gasoline)	100 mg/kg
TPH (diesel)	100 mg/kg
BTEXs (Water solute concentrations not to exceed:)	<u>Limit (Objective¹ x 10)</u>
Benzene	10 ug/l
Toluene	10000 ug/l
Ethylbenzene	6800 ug/l
Total Xylenes	17500 ug/l
Metals (Water solute concentrations not to exceed:)	<u>Limit (Objective^{1,3})</u>
Chromium (VI)	50 ug/l
Copper	1000 ug/l
Lead	50 ug/l
Mercury	2 ug/l
Silver	50 ug/l
Zinc	2000 ug/l
Other Organics (Water solute concentrations not to exceed:)	<u>Limit (Objective^{1,8})</u>
PCBs	0.5 ug/l
TBT	0.02 ug/l

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Industrial/Commercial Reuse/Fill near Bays and Estuaries

CONDITIONS

1. All conditions under All Discharges to Land title must be met.
2. Soil shall be covered by either 1.) constructed materials (e.g. used as roadbase, fill beneath buildings, bridge abutments), or 2.) clean fill (not to exceed 2 feet thick) to minimize surface water infiltration, preclude exposure by erosion, and control leaching effects.
3. Soil shall be placed a minimum of 100 feet away from any surface water.
4. If the soil could potentially impact a surface water, it shall not be placed within an area that is underlain by groundwater which is contiguous with the body of water to be protected.
5. Soil shall be placed a minimum of 5 feet above the highest anticipated elevation of ground water.
6. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the following maximum concentration limits:

MAXIMUM CONCENTRATION LIMITS

Total Petroleum Hydrocarbons (soil concentrations not to exceed:)		<u>Limit</u>
TPH (gasoline)		100 mg/kg
TPH (diesel)		100 mg/kg
BTEXs (Water solute concentrations not to exceed:)		<u>Limit (Objective^{4,5} x 10)</u>
Benzene		210 ug/l
Toluene		NA
Ethylbenzene		4300 ug/l
Total Xylenes		NA
Metals (Water solute concentrations not to exceed:)		<u>Limit (Objective⁴)</u>
Chromium (VI)		1100 ug/l
Copper		2.9 ug/l
Lead		5.6 ug/l
Mercury		2.1 ug/l
Silver		2.3 ug/l
Zinc		86 ug/l
Other Organics (Water solute concentrations not to exceed:)		<u>Limit (Objective⁵)</u>
PCBs		0.03 ug/l
TBT		0.01 ug/l

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Industrial/Commercial Reuse/Fill near Pacific Ocean

CONDITIONS

1. All conditions under All Discharges to Land title must be met.
2. Soil shall be covered by either; 1.) **constructed** materials (e.g. used as roadbase, fill beneath buildings, bridge abutments), or 2.) **clean** fill (not not to exceed 2 feet thick) to minimize surface water infiltration and preclude exposure by erosion in order to minimize surface water infiltration and leaching effects.
3. Soil shall be placed a minimum of 100 feet away from from any surface water.
4. Soil shall not be placed within an area that is underlain by groundwater that is contiguous with the Pacific Ocean.
5. Soil shall be placed a minimum of 5 feet above the highest anticipated elevation of ground water.
6. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the following maximum concentration limits:

MAXIMUM CONCENTRATION LIMITS

Total Petroleum Hydrocarbons (soil concentrations not to exceed:)	<u>Limit</u>
TPH (gasoline)	100 mg/kg
TPH (diesel)	100 mg/kg
BTEXs (Water solute concentrations not to exceed:)	<u>Limit (Objective⁵ x 10)</u>
Benzene	59 ug/l
Toluene	NA
Ethylbenzene	4100 ug/l
Total Xylenes	NA
Metals (Water solute concentrations not to exceed:)	<u>Limit (Objective⁶)</u>
Chromium (VI)	2 ug/l
Copper	3 ug/l
Lead	2 ug/l
Mercury	0.04 ug/l
Silver	0.7 ug/l
Zinc	20 ug/l
Other Organics (Water solute concentrations not to exceed:)	<u>Limit (Objective⁶)</u>
PCBs	0.03 ug/l
TBT	0.01 ug/l

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Surface Application near Surface Water

CONDITIONS

1. All conditions under All Discharges to Land title must be met.
2. Soil may be used in non-residential top-soil situations.
3. Soil shall be placed a minimum of 100 feet away from any surface water.
4. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the maximum concentration limits listed under the type of discharge proposed for the soil.

MAXIMUM CONCENTRATION LIMITS

Total Petroleum Hydrocarbons (soil concentrations not to exceed:)		<u>Limit</u>
TPH (gasoline)		50 mg/kg
TPH (diesel)		50 mg/kg
BTEXs (Acidic solute concentrations not to exceed:)		<u>Limit (Objective⁷)</u>
Benzene		1 ug/l
Toluene		42 ug/l
Ethylbenzene		29 ug/l
Total Xylenes		17 ug/l
Metals (Acidic solute concentrations not to exceed:)		<u>Limit (Objective⁸)</u>
Chromium (VI)		11 ug/l
Copper		21 ug/l
Lead		7.7 ug/l
Mercury		2.4 ug/l
Silver		13 ug/l
Zinc		191 ug/l
Other Organics (Acidic solute concentrations not to exceed:)		<u>Limit (Objective⁹)</u>
PCBs		0.014 ug/l
TBT		0.02 ug/l

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Suitable for Unrestricted Use

CONDITIONS

1. All conditions under All Discharges to Land title must be met.
2. The soil must be characterized for disposal. The levels of contaminants in the soil shall not exceed any of the maximum concentration limits listed under the type of discharge proposed for the soil.

MAXIMUM CONCENTRATION LIMITS

Total Petroleum Hydrocarbons (soil concentrations not to exceed:)	Limit
TPH (gasoline)	10 mg/kg
TPH (diesel)	10 mg/kg
BTEXs (Acidic solute concentrations not to exceed:)	Limit (Objective⁹)
Total BTEX	nondetect at 0.05 ug/l
Total PAH	120 ug/l
Metals (Acidic solute concentrations not to exceed:)	Limit (Objective⁸)
Chromium (VI)	11 ug/l
Copper	21 ug/l
Lead	7.7 ug/l
Mercury	2.4 ug/l
Silver	13 ug/l
Zinc	191 ug/l
Other Organics (Acidic solute concentrations not to exceed:)	Limit (Objective⁸)
PCBs	0.014 mg/l
TBT	0.02 ug/l

1. Drinking Water Standards, Maximum Contaminant Levels (California and Federal)
2. Soluble Threshold Limit Concentrations from Title 22, CCR
3. Agricultural Water Quality Goals, "Water Quality for Agriculture," United Nations - Irrigation and Drainage
4. California Enclosed Bays and Estuaries Plan, Numerical Water Quality Objectives
5. U. S. EPA National Ambient Water Quality Criteria, Saltwater Aquatic Life Protection
6. California Ocean Plan Criteria, Marine Aquatic Life Protection
7. Taste and Odor Threshold
8. California Inland Surface Waters Plan Criteria, Freshwater Aquatic Life Protection (criteria for metals assumes hardness = 200 mg/l as CaCO₃)
9. U. S. EPA Preliminary Remediation Goals